

REMARKS

The Office Action dated December 13, 2004 presents the examination of claims 1-4, 6-7, 11-12, 14-16, 18, 20, and 24. Claims 1, 6, 7, 20, and 24 are amended to recite "to a patient in need thereof" as suggested by the Examiner. The definition of ring C in claims 6 and 24 is amended to specify that the pyridine ring may be optionally substituted. Support for this amendment is found in the specification, such as on page 28, wherein the preferable embodiments of ring C are described as para-substituted. Further, all of the Example compounds in the specification have a para-substituted ring as ring C. Claims 26 and 27 are added. Support for the subject matter of claims 26 and 27 is found in claims 6 and 24, respectively. No new matter is inserted into the application.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-4, 6-7, 11-12, 14-16, 18, 20, and 24 are rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

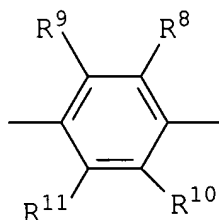
In order to overcome this rejection, claims 1, 6, 7, 20, and 24 are amended to recite "A method for treating...by administering to a patient in need thereof a compound..." as suggested by the Examiner. Withdrawal of the instant rejection is therefore respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner rejects claims 6, 11-12, and 24 under 35 U.S.C. § 103(a) for allegedly being obvious over Lowe '766 (WO 98/24766). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Lowe '766 discloses 6-phenylpyridyl-2-amine derivatives. The Examiner asserts that the instantly claimed compounds are structural homologs of the compounds of Lowe '766 in that "the instantly claimed compounds have a -NH-CH₃ group in place of the -NH₂ group of the reference compounds" of Lowe '766. The Examiner asserts that it would have been *prima facie* obvious to one of ordinary skill in the art to modify the reference compounds to prepare structural homologs because structurally homologous compounds are expected to possess similar properties. Applicant respectfully disagree and submit that the compounds recited in the instantly amended claims are not obvious over the reference compounds of Lowe '766.

First, Applicants respectfully point out that, in the 6-phenylpyridyl-2-amine derivatives of Lowe '766, the amino group on the pyridine ring is located at the meta-position of the phenyl group on the pyridine ring. On the other hand, in the compounds of the instant claims, X² on the pyridine ring is located in the para-position of the group represented by the formula



on the pyridine ring.

Furthermore, the instantly claimed compounds are not obvious over Lowe '766 in that para-substituted compounds have unexpectedly superior efficacy over meta-substituted compounds, as shown by the test data attached hereto as Exhibit 1. The data show the suppressive effect of three compounds on IgE production against ovalbumin (OVA). When a serum containing the compound is positive for a passage cutaneous anaphylaxis reaction (PCA) until 2⁵ times dilution, the anti-OVA IgE antibody titer of the mouse is defined as 5. The data sheet attached hereto shows that the para-

substituted compounds (i.e., Compounds 1 and 2) have 32 times (2^5 vs. 2^0) higher activity than that of the meta-substituted compound (i.e., Compound 3). This data clearly shows that para-substituted compounds have a several-fold improvement in efficacy over meta-substituted compounds.

For all of these reasons, Lowe '766 fails to render obvious the present invention as recited in the claims. Withdrawal of the instant rejection is therefore respectfully requested.

Allowable Claims

The Examiner states that claims 1-4, 7, 14-16, 18, and 20 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. As noted above, claims 1, 6, 7, 20, and 24 are amended as suggested by the Examiner. As such, the Examiner is respectfully requested to acknowledge patentability of claims 1-4, 7, 14-16, 18, and 20.

Conclusion

Applicants respectfully submit that the above remarks and/or amendments fully address and overcome the outstanding rejections and objections. For the foregoing reasons, Applicants respectfully request the Examiner to withdraw all of the outstanding rejections

Application Number 09/980,475
Attorney Docket Number 0032-0264P

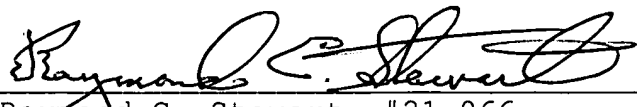
and objections, and to issue a Notice of Allowance indicating the patentability of claims 1-4, 6-7, 11-12, 14-16, 18, 20, 24, and 26-27.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Raymond C. Stewart, #21,066

LR
RCS/KLR
0032-0264P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000



Attachment

		PCA
Compound 1	 <chem>CN(C)c1ccc(cc1)-c2cc(C)c(C)cc2-c3ccc(OC)c(OCC=C(C)C)c3</chem>	0
Compound 2	 <chem>CC(C)Nc1ccc(cc1)-c2cc(C)c(C)cc2-c3ccc(O)c(F)c3OCC=C(C)C</chem>	0
Compound 3	 <chem>CC(C)Nc1ccc(cc1)-c2cc(C)c(C)cc2-c3ccc(O)cc3OCC=C(C)C</chem>	5.0